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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL 23 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
CLARK-BADER, INC. d/b/a
TMC LONG DISTANCE,

Complainant,

vs.

PACIFIC BELL,

Defendant.

CC Docket No. 93-161
File No. E-89-85

To: Presiding Judge Walter C. Miller

OPPOSITION TO MOTION TO ACCEPT

Complainant CLARK-BADER, INC. d/b/a TMC LONG DISTANCE ("TMC"), by its attorneys, hereby opposes as inappropriate the "Motion to Accept" for filing the "Petition for Clarification" filed by Defendant PACIFIC BELL. Defendant's Petition misconstrues the Presiding Judge's use of the words "absolutely essential" in the Prehearing Order ("PHO"). Defendant attempts to create a formal legal interpretation of the standards of a statute where none exists or was intended. The Presiding Judge's use of these terms may be literally and reasonably read to mean only that unnecessary motions should be avoided unless "absolutely essential." In addition, the Petition needlessly seeks to burden the resources of this Commission and Complainant by renewing a request for immunity despite the Presiding Judge's clear articulation that the orderly resolution of these proceedings requires that the request for immunity not be renewed at all.

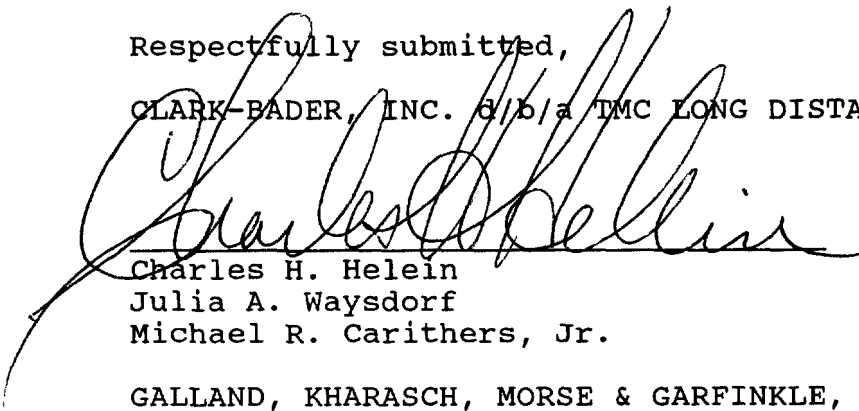
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WHEREFORE, TMC respectfully prays that Defendant's Motion and Petition for Clarification not be accepted for filing.

Respectfully submitted,

CLARK-BADER, INC. d/b/a TMC LONG DISTANCE



Charles H. Helein
Julia A. Waysdorf
Michael R. Carithers, Jr.

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Attorneys for Clark-Bader, Inc.
d/b/a TMC Long Distance

Dated: July 23, 1993

CERTIFICATE OF SERVICE

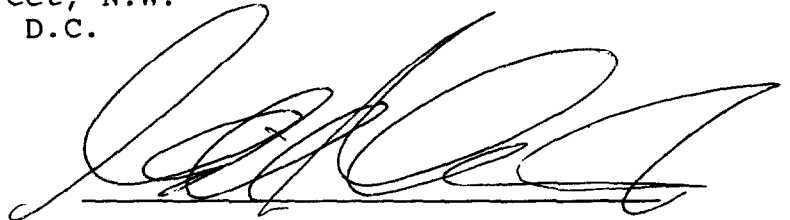
I, Michael R. Carithers, Jr., hereby certify that on this 23rd day of July, 1993, I caused a true and correct copy of the foregoing Opposition to Motion to Accept to be sent by regular, first-class mail, postage prepaid, to:

James P. Tuthill, Esquire
Nancy C. Woolf, Esquire
Pacific Bell
140 New Montgomery Street, Room 1530-A
San Francisco, CA 94105

and by hand delivery to:

Thomas D. Wyatt, Esquire
Chief
Formal Complaints and Investigation Branch
Federal Communications Commission
Room 107
1250 23rd Street, N.W.
Washington, D.C. 20554

Administrative Law Judge
Walter C. Miller
Federal Communications Commission
Room 213
2000 L. Street, N.W.
Washington, D.C.

A handwritten signature in black ink, appearing to read 'Michael R. Carithers, Jr.', written over a horizontal line.

Michael R. Carithers, Jr.